

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DANIEL M. SCHAEFER, JR.,

Petitioner,

v.

JOSH HAWLEY,

Respondent.

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No. 4:18-cv-1416-SPM

**MEMORANDUM AND ORDER**

This matter is before the Court upon the motion of *pro se* petitioner Daniel M. Schaefer for the appointment of counsel. The motion will be denied without prejudice.

“A *pro se* litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the *pro se* litigant to investigate the facts, the existence of conflicting testimony, and the ability of the *pro se* litigant to present his claims. *Id.*

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex. In addition, petitioner has demonstrated that he can adequately present his claims to the Court, and it does not appear that his claims involve information unavailable to him. However, the Court recognizes that the relevant circumstances may change. The Court will therefore deny the motion for the appointment of counsel without prejudice, and will entertain future motions for the appointment of counsel, as appropriate, as this litigation progresses.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for the appointment of counsel (Docket No. 3) is **DENIED** without prejudice.

A handwritten signature in black ink, appearing to read "Shirley Padmore", is written over a horizontal line.

SHIRLEY PADMORE MENSAH  
UNITED STATES MAGISTRATE JUDGE

Dated this 31st day of August, 2018.